

#### **d.) Remarks**

In the present amendment independent claims 1 and 9 have been substantially amended to particularly point out features that distinguish the invention over the numerous prior art citations. Both claims now recite that the front wall of the paint brush cover includes a distal end portion adapted to extend through the opening in the top through which the handle of the brush extends. They also state that the distal end portion includes an aperture whereby the cover may be suspended upright on a peg rack.

The reference cited to obviate this particular feature is the Gask patent, which describes a one-piece thermoformed blister package which may enclose a paint brush body and bristles, as in Fig. 4 thereof. Gask does describe openings 21 and 22 (or 35 and 36) as providing aligned openings for hanging the assembly from a hook. Note however that the brush is hung handle end down by Gask; combined with the lack of vent holes, there is a clear indication that Gask's intention is not to protect a paintbrush while it dries, but to display a brush for vending purposes only. Note also that the tab 23 or 31 extends through an opening 22 or 33 which is at the opposite end of the enclosure from the opening 28 which admits the brush handle.

In contrast to the Gask reference, the present invention provides a front wall distal end portion that extends through the same opening that admits the brush handle, and is provided with an aperture for hanging the cover and brush. This arrangement enables the brush to be hung upright with the bristles extending

downwardly, so that the moisture therein drains toward the bristle tips, where it may evaporate through the vent holes in the cover. The Gask arrangement would cause moisture to drain into the bristle binding structure of the handle, where it could not evaporate. Thus the Gask structure provides neither the structure nor function of the claimed invention, and in fact it teaches away from the concept and realization of the present invention.

None of the other cited references disclose any form of hole or structure for suspending a brush upright, so that it may drain and dry most efficiently. Thus there is no teaching reference to suggest combining the references to create an upright suspension structure for the brush retained within the cover. In light of these facts, it is asserted that the claims as amended are now patentable over the prior art.

It is asserted that all claims now presented are allowable, and that this application is in condition to be issued. Action toward that end is earnestly solicited.

Respectfully Submitted,



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